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Canada Privileges and Elections,
Standing Committee on, 1955

HOUSE OF COMMONS

Second Session—Twenty-second Parliament

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STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

TUESDAY, MARCH 15, 1955

CANADA ELECTIONS ACT

WITNESSES:

Mr. F. J. G. Cunningham, Director, Northern Administration and Lands Branch, Dept. of Northern Affairs and National Resources; Mr. Nelson J. Castonguay, Chief Electoral Officer.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955.

MINUTES OF PROCEEDINGS

House of Commons,
Room Sixteen,

TUESDAY, March 15, 1955.

The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. The Chairman, Mr. G. Roy McWilliam, presided.

Members present: Messrs. Bourque, Cardin, Carter, Cavers, Churchill, Ellis, Hansell, Harrison, Lefrancois, MacDougall, MacKenzie, McWilliam, Nowlan, Pallett, Richard (*Ottawa East*), Robinson (*Bruce*), Viau, White (*Waterloo South*), and Zaplitny.

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer; Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer; and Mr. F. J. G. Cunningham, Director, Northern Administration and Lands Branch, Department of Northern Affairs and National Resources.

The Chairman presented a report of the Subcommittee on agenda and procedure.

After some discussion thereon, on motion of Mr. Lefrancois, the said report was adopted.

(*For report see today's Minutes of Evidence*).

Mr. Castonguay was recalled.

With the permission of the Committee, the Chairman invited Mr. Cunningham to address the Committee. The latter read a letter from Mr. W. J. Brown, Commissioner of the Yukon Territory, wherein were expressed the Council's wishes concerning a revision of the Elections ordinance.

Mr. Cunningham was questioned on the proposal, and Mr. Castonguay as well, on the points involved by the implementation of the Yukon Territory Council's request.

The Chairman thanked Mr. Cunningham for his attendance before the Committee and it was agreed that he again would attend, if necessary, when the Committee considered the amendments proposed by the Chief Electoral Officer to carry out the wishes of the Yukon Territory Council.

The Committee thereafter proceeded to the section by section study of the Canada Elections Act.

Section 1. No change made.

On Section 2.

A letter from Mr. J. F. Pouliot, M.P., was read to the Committee, whereafter;

On motion of Mr. Lefrancois.

Resolved,—

That subsection 14 of Section 2 of the French version of the Act be repealed and the following substituted therefor:

(14) "heures du jour" et toutes les autres mentions de l'heure dans la présente loi ont trait à l'heure solaire;

Also that Clause (g) of paragraph 4 of the French version of the Regulations, contained in Schedule Three to the Act, be repealed and the following substituted therefor:

g) "heures du jour" et les autres mentions de l'heure dans les présents règlements se rapportent à l'heure solaire;

On motion of Mr. Lefrancois.

Resolved,—

That (1) Paragraph (b) of subsection (15) of said section 2 of the Canada Elections Act, chapter 23 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

(b) in relation to any place or territory within a judicial district, other than the judicial district of Quebec or Montreal, in the Province of Quebec for which a judge has been appointed, the judge so appointed, or where there is more than one such judge, the senior of them;

(2) Subsection (15) of section 2 of the said Act is further amended by deleting the word "and" at the end of paragraph (d) thereof and all the words following paragraph (e) thereof, by adding the word "and" at the end of paragraph (e) thereof and by adding thereto the following paragraph:

(f) in relation to any place or territory in Canada where there is no judge as defined in paragraphs (a) to (e) or a vacancy exists or arises in the office of any such judge or where such judge is unable to act by reason of illness or absence from his judicial district, the judge exercising the jurisdiction of said judge, and if there is more than one judge exercising such jurisdiction, the senior of them, and if no judge is exercising such jurisdiction, any judge designated for the purpose by the Minister of Justice.

Section 2 being the interpretation section of the Act, it was agreed that further study thereof be deferred until the Committee had completed all other sections of the Act, due to the fact that suggested amendments if accepted may necessitate consequential amendments to the said interpretation section.

Sections 3 to 10, inclusive, were studied without any change being made.

Section 11 was stood over for study at a later date.

Sections 12 and 13 were studied without any change being made.

On Section 14, a resolution from the United Electrical Radio and Machine Workers of America, District 5, Council, Toronto, and an extract from the 1954 memorandum to the Government of Canada by the Trades and Labour Congress of Canada, were considered by the Committee.

In view of the fact that a bill on this subject matter was presently before the House, it was agreed to defer study of this section to a later date.

On Section 15,

On motion of Mr. Cavers,

Resolved,—

That all that portion of subsection (3) of section 15 of the said Act following paragraph (c) thereof is repealed and the following substituted therefor:

(d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind or as clerks, stenographers or messengers on behalf of a candidate, the total number of persons employed under this paragraph not to exceed one for each five hundred electors in the electoral district; the official agent shall

communicate the name, address and occupation of every person employed under this paragraph, in writing, to the returning officer who shall, in turn, communicate such name, address and occupation to the deputy returning officer of the appropriate polling station.

Section 16 was stood over for study at a later date.

On Section 17,

On motion of Mr. Cardin,

Resolved,—

That (1) All that portion of subsection (5) of section 17 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“(5) The returning officer shall wherever possible cause the preliminary lists for both urban and rural polling divisions to be printed at a printing establishment situated in or near his electoral district, and shall have the printing thereof completed not later than Wednesday, the twenty-sixth day before polling day; the printing of the preliminary lists of electors shall be in accordance with the specimen forms supplied by the Chief Electoral Officer; the preliminary lists of electors for every polling division printed by the returning officer shall bear the name and address of the printer and a certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the electors as prepared by the enumerator or enumerators for the polling division to which such list relates; the arrangement of names on the lists shall be as follows:”

(2) Section 17 of the said Act is further amended by adding thereto immediately after subsection (5) thereof the following subsection:

“(5a) Where by reason of lack of printing facilities or of time or for any other reason, a returning officer is unable to cause the preliminary list of electors for any polling division to be printed in accordance with the requirements of this Act, he shall, wherever possible and with the prior approval of the Chief Electoral Officer, cause such list to be reproduced by any other means, and a preliminary list so reproduced shall, for the purposes of this Act, be deemed, except in subsections (6) to (8), to be printed: the preliminary list for every polling division reproduced by the returning officer under this subsection shall bear a certificate by the returning officer that such reproduction accurately sets out all the names, addresses and occupations of the electors as prepared by the enumerator or enumerators for the polling division to which such list relates; the arrangement of names on the lists shall be the same as is provided for printed preliminary lists by paragraphs (a) and (b) of subsection (5); where a preliminary list is reproduced in accordance with this subsection, the returning officer shall furnish the Chief Electoral Officer and each candidate with two copies thereof.”

On Schedule A to Section 71

Communications from Mr. Maurice C. Punshon, Mr. M. A. Myren, and Mr. Egan Chambers were considered by the Committee.

On motion of Mr. Viau,

Resolved,—

That Rule (17) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

“Rule (17). For every urban polling division, the judge as defined in subsection (15) of section 2 is the *ex officio* revising officer.”

On motion of Mr. Richard,

Resolved,—

That 1. Rule (20) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (20). The returning officer shall, when so instructed by the Chief Electoral Officer, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may direct, and shall prepare descriptions of such revisal districts."

2. Rules (23) and (24) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"Rule (23). Forthwith on receipt of the notification mentioned in Rule (22), the returning officer shall, not later than Thursday, the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 14 listing the numbers of the polling divisions comprised in every revisal district established by him, giving the name of the revising officer appointed for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the lists of electors and stating the day and time during which such revisal office will be open; at least four days before the first day fixed for the sittings for revision, the returning officer shall cause two copies of such notice to be posted up in conspicuous places in each urban polling division comprised in his electoral district; immediately after the printing of the notice in Form No. 14, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so nominated or to his representative.

Rule (24). Before ten o'clock in the forenoon of the day when the sittings for revision commence, the revising officer of each revisal district shall cause an additional five copies of the notice mentioned in Rule (23) to be posted up outside of and near to the revisal office where he will sit to revise the lists; the revising officer shall see that the latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up during the days of sittings for revision."

On motion of Mr. MacKenzie,

Resolved,—

That rules (26) to (28) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"Rule (26). The sittings of the revising officers for the revision of the lists of electors shall be held on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and, subject to Rule (36), on Tuesday, the thirteenth day before polling day; such sittings shall commence at ten o'clock in the forenoon on those days and shall continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of; moreover, on each of those days, every revising officer shall sit at his revisal office for the revision of the lists of electors from seven o'clock to ten o'clock in the evening; if any of those days is a holiday as defined in the Interpretation Act, the day for the commencement or continuation of the sittings for revision may be postponed accordingly.

Rule (27). At the sittings for revision on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, the revising officer shall have jurisdiction to and shall dispose of

- (a) personal applications made by electors whose names were omitted from the preliminary list;
- (b) sworn applications made by agents, on Forms Nos. 17 and 18, on behalf of persons claiming the right to have their names included in the list of electors, pursuant to Rule (33); and
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary list.

Rule (82). During the sittings for revision on Thursday and Friday, the eighteenth and seventeenth days before polling day, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election for one of the polling divisions comprised in a given revisal district subscribes to an Affidavit of Objection in Form No. 15 before the revising officer appointed for such revisal district alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than Friday, the seventeenth day before polling day, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day, to establish his right, if any, to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection."

On motion of Mr. Cavers,

Resolved,—

That Rules (32) and (33) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"*Rule (32).* Any person claiming to be entitled to be registered as an elector in any revisal district may apply in person, without previous notice, before the revising officer to have his name entered on the appropriate list of electors at the sittings of the revising officer for such revisal district Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and if such person answers to the satisfaction of the revising officer all such relevant questions as the revising officer shall deem necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record sheets as an accepted application for registration in the list of electors of the polling division where such person resides.

Rule (33). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, accept, as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's revisal district is situated, a sworn application of that elector in Form No. 17 exhibiting an application in Form No. 18, signed by the person who desires to be registered as an elector; if such person is then temporarily absent from the place of his ordinary residence, a sworn application may be made in the alternative Form No. 18 by a relative by blood or marriage, or by his employer, and in such event the revising

officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division where such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached."

(8) Rule (36) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (36). Where under Rule (28) any objection has been made on oath in Form No. 15 to the retention of the name of any person on the preliminary list and the revising officer has given notice under that Rule to the person of such objection in Form No. 16, the revising officer shall hold sittings for revision on Tuesday, the thirteenth day before polling day; during his sittings for revision on that day, the revising officer has jurisdiction to and shall determine and dispose of all such objections of which he has so given notice; if the revising officer has given no such notice he shall not hold any sitting for revision on the Tuesday aforesaid."

On Schedule B to Section 17

A letter from Mr. M. A. Myren, with reference to "time for enumeration" was considered. However, it was agreed that no change be made to the said Schedule B.

On Section 18

On motion of Mr. White (Waterloo South),

Resolved,—

That lines one and two of subsection (1) of section 18 of the said Act are repealed and the following submitted therefor:

"18. (1) Within two days after the receipt of the writ of election or within six days after he has been notified".

Sections 19 and 20 were studied without any change being made.

Section 21 was stood over for study at a later date.

Section 22 was studied without any change being made.

Section 23 was allowed to stand for study at a later date.

Sections 24 and 25 were studied without any change being made.

On Section 26.

The representations by Mr. Egan Chambers, in connection with the appointment of Deputy Returning Officers and Poll Clerks, were considered.

After a lengthy debate thereon, the said section was stood over and further study thereof postponed to the next sitting of the Committee.

At 12.30 o'clock p.m., the Committee adjourned to meet again at 10.30 o'clock, Thursday, March 17.

Antoine Chasse,
Clerk of the Committee.

EVIDENCE

MARCH 15, 1955

10.30 a.m.

The CHAIRMAN: Gentlemen, we have a quorum. We will call the meeting to order. As the first order of business, I should like to give you the report of the subcommittee on agenda and procedure:

"The subcommittee met at 3.30 o'clock p.m., Monday, March 14, at which time the following members were present: Mr. McWilliam (*Chairman*), and Messrs. Cardin, Cavers, Hansell, MacDougall, Nowlan and Zaplitny.

The subcommittee made a study of the communications tabled before the committee on Tuesday, March 8, as well as the suggestion contained in the address by the Secretary of State, Honourable Roch Pinard.

Your committee recommends:

1. That, in respect to the communications tabled before the committee, the procedure laid down in the resolution passed by the committee on Tuesday, March 8th, be adhered to.

2. That on Tuesday, March 15, the committee hear a representative of the Department of Northern Affairs and National Resources, in connection with the suggestion that the Chief Electoral Officer act in the case of the Yukon Territory as electoral officer in a conduct of elections in that section of Canada in the same way he does in respect of the election of the members of the Northwest Territories Council.

3. That again on Tuesday, March 15, following the hearing of a representative of the Department of Northern Affairs and National Resources, and time permitting, the committee proceed with its section by section study of the Canada Elections Act.

4. That on Thursday, March 17, the committee hear representatives of both the Department of External Affairs and the Department of National Defence in respect to the question of creating facilities to allow Canadians residing abroad to exercise their franchise and comprised of the following groups:

- (a) Canadians abroad who are members of the public service, such as the officers of our missions in foreign countries or in countries of the Commonwealth;
- (b) Wives of the members of the Canadian forces who reside abroad with their husbands.

Following this, time permitting, that the committee resume section by section study of the Canada Elections Act."

Is it agreed that the report be adopted?

Moved by Mr. Lefrancois, seconded by Mr. Carter.

Mr. ZAPLITNY: Mr. Chairman, before we adopt that—the first recommendation is not too clear. It says:

That, in respect to the communications tabled before the committee, the procedure laid down in the resolution passed by the committee be adhered to.

To what resolution does that refer?

The CHAIRMAN: On Tuesday, March 8, the committee discussed matters of procedure and future meetings. It was unanimously agreed that the committee should first proceed with a study of the Canada Elections Act, section by section.

Mr. ZAPLITNY: On what page of the report is that?

The CHAIRMAN: On page 6, the second last paragraph, in the first report of our proceedings and evidence. We decided at that meeting that we would study the Act, section by section.

Mr. CHURCHILL: In connection with that study section by section, does that mean that we are going to deal first with the recommendations of the Chief Electoral Officer?

The CHAIRMAN: No. This means only that we are going to go through the Act, section by section. As each section to which amendments are proposed are reached the said proposed amendments can be dealt with at that time. I think that will save time. I think that we should go through the Act section by section, in case any member wants to bring up anything in any one section.

Mr. ZAPLITNY: In other words, that provides for a different procedure from that followed at the previous meeting, where we took the amendments?

The CHAIRMAN: Yes. We did that more as a time-saver. It was the only business before the committee, and we went over to the suggested draft amendments at the last meeting, because the correspondence was not before the committee in printed form at that time, and we felt that we should not proceed with it, section by section, until such time as all the correspondence in printed form was before the members of the committee.

Mr. ZAPLITNY: Does that mean that at today's sitting we should go through the Act, section by section?

The CHAIRMAN: Provided that we have time after we hear the representative of the Department of Northern Affairs and National Resources.

Mr. CHURCHILL: It is conceivable that this committee might not complete its deliberations during this session. The original purpose of the committee was to consider proposals advanced by the Chief Electoral Officer, which are quite obviously non-controversial, as far as we have seen up to now, and are improvements in the field of administration. I thought that our conclusions the other day were that we would complete that and then get into this other matter of correspondence, suggestions and all the possibly controversial problems that might be brought forward.

The CHAIRMAN: As you know, we have already agreed on the procedure, on Tuesday, March 8. At that meeting it was agreed that we take the Act section by section. My personal opinion is that it would save time if we did that. I believe that we shall still have time enough to deal with the first part of the terms of reference, that is the amendments to the Canada Elections Act. It has been the procedure in the past, I understand, to deal with it section by section. Some sections may possibly take some time, but many sections in the Act will not require any time.

Mr. ZAPLITNY: With respect to sections in which a proposed amendment to a particular section will require a consequent amendment to another section which does not immediately follow it, will we skip the intervening sections and go on to others which are affected?

The CHAIRMAN: We could follow that procedure and let that section stand, if that is the wish of the committee.

Mr. HANSELL: I suppose that we could always revert to previous sections.

Mr. CHURCHILL: I am not quite clear as to why we are departing from the terms of reference.

The CHAIRMAN: There is no departure from the terms of reference.

Mr. CHURCHILL: As I see it here, it says:

That the Standing Committee on Privileges and Elections be instructed to study the several amendments to the Canada Elections Act, and amendments thereto, suggested by the Chief Electoral Officer.

That is the first thing, and everything else follows.

The CHAIRMAN: That is true, but in the past they have taken it section by section, because they felt that would save time. We can tie them all in together as we proceed with the Act. I think that the members who have sat on the committee before know that the committee followed that procedure, and there never seemed to be any question as to the propriety of that or the fact that it was probably a better procedure.

Mr. CHURCHILL: There is a difference of opinion. I do not think it is. I think it would be tidier to deal with the suggestions of the Chief Electoral Officer, and having dealt with them we would not have to make any further reference to them.

The CHAIRMAN: It has been proven by the fact that the same procedure was used in previous committee meetings that it is an orderly method. We will get on with the business as designated in the terms of reference. The question is on the motion of Mr. Lefrançois—is it agreed to adopt the report of the subcommittee on agenda and procedure?

Carried.

We have with us this morning Mr. F. J. G. Cunningham of the Department of Northern Affairs and National Resources. With the committee's permission, I will ask him to make a statement, in connection with elections in the Yukon Territory.

Mr. F. J. G. CUNNINGHAM (*Department of Northern Affairs and National Resources*): Mr. Chairman and gentlemen, there is in the Yukon Territory a territorial council comprised of five members who are elected every three years. The last election was in 1952, and the next will be in 1955. In the past the procedure for the operation of the elections has been under the Yukon Elections Ordinance, which required a returning officer to be established by local nomination of the Commissioner of the Yukon Territory. On the 4th December, 1954, the Commissioner of the Yukon Territory wrote to the Deputy Minister of the Department of Northern Affairs and National Resources, as follows:

Dear Mr. Robertson,

Proposed Elections Ordinance

When Mr. G. V. LaForest of the Department of Justice was here during the last session of the Territorial Council, he made enquiries as to what were our wishes concerning a revision of the Elections Ordinance.

Our present Ordinance is not a good one. At times arbitrary decisions have to be made on points not covered by the Ordinance in order to make it work.

Having in mind the difficulty of rewriting our present Ordinance, I think that a short Ordinance might be passed making the Canada Elections Act and regulations apply *mutatis mutandis*. The Ordinance could also give the Chief Electoral Officer of Canada authority to run the election. It is realized that the Canada Elections Act might have to be amended to impose this duty upon him, but in the absence of an amendment, his consent might be obtained if authority is given by Ordinance.

The Council discussed the matter and expressed their agreement and approval to having the federal law apply to a territorial election. I would appreciate it if this matter could be taken up with Mr. Nason and the Department of Justice for their opinion.

Yours sincerely,

W. G. Brown,
Commissioner.

The matter was taken up with the Department of Justice and with the Chief Electoral Officer and an agreement was reached to place before parliament the amendment which you are now considering, with the consent of the Minister of Northern Affairs, the Minister of Justice and the Chief Electoral Officer. I might add that this would bring electoral procedures in the Yukon Territory in line with the present procedures in the Northwest Territories where, since representation was given, calling for territorial elections in the Northwest Territories, the Chief Electoral Officer has run the elections in that territory with complete satisfaction to everybody concerned. If there are any questions, Mr. Chairman, about any points, I should be glad to answer them.

The CHAIRMAN: Thank you, Mr. Cunningham. Does any member wish to ask Mr. Cunningham any questions?

Mr. NOWLAN: From whom was this letter?

Mr. CUNNINGHAM: W. G. Brown, the Commissioner of the Yukon Territory.

Mr. NOWLAN: Writing on behalf of the commissioners?

Mr. CUNNINGHAM: Writing on behalf of himself and his council.

Mr. ELLIS: What are the main weaknesses in the present system which we can correct by changes?

Mr. CUNNINGHAM: Chiefly questions of interpretation. The election ordinance is fairly long, fairly comprehensive and fairly complete, but each election at the present time must be operated by a returning officer who is an unskilled person residing in the territories. Often questions as to whether or not a man should have the right to vote under certain circumstances or whether or not you can put a name on the list and so forth must be interpreted by an unskilled person. These things are fundamental, because they concern the jealously guarded rights of the individual. It is thought that if the Chief Electoral Officer is given authority to run the election, things will be smoother and these small difficulties will not arise.

Mr. CARDIN: What is the population of the Yukon?

Mr. CUNNINGHAM: The population is approximately 9,000.

Mr. CARDIN: You are not just counting the voters now?

Mr. CUNNINGHAM: That is the total population. Mr. Simmons might correct me if I am wrong, but I think that approximately 1,500 vote in the elections in the Yukon.

The CHAIRMAN: Are there any other questions?

Mr. ZAPLITNY: How many members of the council are elected?

Mr. CUNNINGHAM: All five are elected for a three-year term.

Mr. CHURCHILL: Is this agreeable to the Chief Electoral Officer? Has he time to undertake this type of duty?

Mr. N. J. Castonguay, Chief Electoral Officer, called:

The WITNESS: We have to prepare the election documents, forms and handbooks of instructions for the elections of the Northwest Territorial Council, and I do not see where it is going to present any additional hardships in that way. We can handle those elections if parliament approves.

Mr. HANSELL: Might I ask this question? The question that arises in my mind is this: are we adopting the correct procedure? In other words, through amending the Canada Elections Act here, are we imposing something on the Yukon Territory rather than having the people of the Yukon Territory do the thing themselves and then following in line by amending the Canada Elections Act? That is a point that is of interest to me, because the Yukon Territory and the Northwest Territories can be likened to a province in a sense—territorially anyway. I am wondering if it is the correct procedure for parliament to act first in the matter. Perhaps you might be able to give some counsel along that line.

Mr. CUNNINGHAM: Mr. Chairman, might I point out that the request for this action has come from the Commissioner and his Council. There are many analogies to the federal government's running this sort of service in the territories. It is quite true that they are quasi-provincial in their nature, but they are far from reaching provincial status. In provincial responsibilities where skilled assistance is required, they do lean on the federal government in both territories. For example, administration of education in the Northwest Territories is an expensive function, and is supplied as a territorial function by officers of the federal government without charge to the territorial government. All the schools in the Northwest Territories are run by federal civil servants, and the territorial government simply pays a per capita fee to the federal government for the education of children for which it is responsible. Another example is in connection with public health; in the Northwest Territories the chief officer of health of the territories is a federal employee who serves gratis. I could develop other analogies as well, because in a number of respects the territorial government asks the federal government to provide services of a purely provincial nature, chiefly based on financial considerations. It is cheaper and more satisfactory to get expert assistance from the federal government than to provide the services themselves as a territorial responsibility. Does that answer the question?

Mr. HANSELL: I think so, as long as we can satisfy ourselves that they desire it.

The WITNESS: The only thing that we would be imposing on the council would be the mechanics of the Canada Elections Act. They still set their own qualifications for electors and for candidates, because those sections applying in the Canada Elections Act do not apply to the Northwest Territories elections.

Mr. NOWLAN: That was the question I was going to ask, whether we will not be interfering with their qualifications.

Mr. CAVERS: The officials are all from the territory?

The WITNESS: All from the territory, with the exception of my normal staff.

May I refer you to section 114 of chapter 23, where it says:

(3) Sections 14, 16, 19 and 20 do not apply to Northwest Territories elections.

Sections 14 and 16 deal with the qualifications of electors and rules as to the residence of electors. Sections 19 and 20 deal with the qualifications and disqualifications of candidates. But the mechanics do apply to these elections.

Mr. NOWLAN: If this is only a question of mechanics, I personally would be satisfied to accede to this request, but if the matter had gone further it would be something we would have to consider carefully.

The CHAIRMAN: Is it the wish of the committee that the Chief Electoral Officer prepare the necessary amendment?

Mr. ZAPLITNY: Before we go on to that, I should like to ask another question in relation to the letter that was quoted. I am not familiar with the way in which the Territorial Council does its business, but I would personally have expected that there would be a formal resolution from the council asking us to do these things. All we have is a letter saying that the commissioner has discussed it with the council and that they are agreeable. Perhaps that is the way in which they do their business, but it seems slightly informal to me. I would feel happier about it if we had a formal resolution from the council as such, requesting that the committee should take certain action. Perhaps someone more familiar with the way in which the council does its actual business of government might explain to us whether this is the regular way of communicating their recommendations to this government.

Mr. CUNNINGHAM: The point is well taken that it is informal. If informality is a fault, certainly we are at fault. The relations between the Minister of Northern Affairs and the commissioners of the Yukon Territory and the Northwest Territories are on an informal administrative basis. Probably the reason for that is primarily this, that the commissioner of each territory is an officer of the Department of Northern Affairs, and therefore there is a much closer tie than there is between the federal government and the provinces. Mr. Brown, the Commissioner of the Yukon Territory, is an administrative officer on the staff of the Northern Affairs department. There has grown up a pattern of reference, not by resolution, but by informal contacts. Very frequently, when the deputy minister of our department wants to know what the Yukon council thinks on any matter he writes to the commissioner and says, "Canvass these people and see what they think, and tell me." It is done informally, on that basis.

Mr. ZAPLITNY: This is not entirely clear to me. I can imagine that in ordinary circumstances this procedure might be sufficient, but here we are asked to do something that is fairly important to the territory. Personally I would like to know the wishes of all the members of that council. If we had a formal resolution which stated what each commissioner wished, then we would feel safe that that is the opinion of all the members of that council. Of course, the majority rules, and they might split three to two on it. If it were not unanimous, I think that we should know.

The CHAIRMAN: In the last paragraph of Commissioner W. G. Brown's letter of December 4, 1954, to Mr. Robertson, the Deputy Minister of the Department of Northern Affairs and National Resources, Mr. Brown says:

The council discussed the matter and expressed their agreement and approval to having the federal law apply to a territorial election. I would appreciate it if this matter could be taken up with Mr. Nason and the Department of Justice for their opinion.

I think it is quite clear from that letter that the commissioners are certainly in agreement that something should be done in the matter, and that is the way in which they presented their case. It is probably not in the form of a resolution, but it is probably as much of a resolution as you can get from the commissioners. I do not think that there is a great deal involved in it, anyway. As was explained by the Chief Electoral Officer, it is not such a great change.

Mr. SIMMONS: May I be permitted to say a word on this? The Territorial Council have signified their agreement and approval that the people of the Yukon have no objection at all, that they are talking for the people of the Yukon. I would be very pleased to support it.

Mr. CARDIN: I think perhaps Mr. Castonguay would be able to answer this question. If this proposed amendment goes through, does that mean that it would make for uniformity of the mechanics of elections throughout the country? Would there be any other group that would be subject to this?

The WITNESS: I do not think that would be the primary purpose. I do not think uniformity is a consideration in this matter. I think it is just a desire to have the mechanics of the Canada Elections Act applied to their elections.

Mr. CARDIN: Effectively, would that be the result?

The WITNESS: That would be the result. The Northwest Territories elections are held under the Canada Elections Act, and with this amendment the Yukon council would also be under the Canada Elections Act. There would be that degree of uniformity, in so far as these elections are concerned, with the federal elections held in these territories.

Mr. NOWLAN: I do not know anything about the Yukon, but in regard to making up the voters' list of 315 and so on, does that compare roughly with the mechanics applying today? How do you make up a list in an area where a distance of 200 miles intervenes between different families, and so on?

The WITNESS: The mechanics apply to federal elections in the Yukon and Mackenzie districts, and naturally we have difficulties in so far as distances are concerned, but there are provisions in the Canada Elections Act which help to overcome those difficulties. We have not received any complaints in so far as the working of the mechanics of the federal election held in the Yukon and the Northwest Territories. The last two elections that were held for the Northwest Territorial Council were held under the Canada Elections Act, and I received no complaints from candidates or from official agents, in so far as the working of the mechanics in the Mackenzie district was concerned. I do not know what difference there would be between the system presently used and ours. I must confess that I have not studied the Yukon elections ordonnances.

Mr. HANSELL: Evidently ours would be an improvement; otherwise they would not ask for it.

The WITNESS: I have not studied the present Yukon method, but they seem to want to use ours.

Mr. HANSELL: At least there would be uniformity between the two.

The WITNESS: Between the two territories?

Mr. HANSELL: Yes, and the federal elections that would be held there.

The CHAIRMAN: Can the committee agree?

Mr. ZAPLITNY: I have one more question. What would be the first occasion on which they would be able to use this machinery? When is the next election due?

Mr. CUNNINGHAM: 1955, but I think that the intent is to apply this first to the 1958 elections.

The WITNESS: I could not possibly modify the Canada Elections Act for the general election in 1955. It would be for the subsequent elections.

Mr. ZAPLITNY: It would be approximately three years before they would make use of it?

The WITNESS: I will be prepared to hold by-elections after 1955 and the next general election after 1955.

Mr. HANSELL: Do they have a stipulated time for their elections? Are they periodical?

Mr. CUNNINGHAM: Every three years.

The CHAIRMAN: Does any other member wish to ask any questions? Does the committee agree in principle that the Chief Electoral Officer should proceed to prepare the amendment and present it to the committee? The Chief Electoral Officer has it prepared now. We will pass it around for your study. We will not ask the committee to deal with it this morning, but you will have a chance to study it.

Mr. CUNNINGHAM: I wish to thank you very much for your attendance at the committee this morning and for your kindness in answering all the questions and giving us an outline of what is involved in this matter and how the Northwest Territories commissioners feel as to the necessity for some change. I thank you for your attendance.

Mr. HANSELL: When this particular amendment is proposed, it might be as well for Mr. Cunningham to return, as we may have some questions that are pertinent at that time.

The CHAIRMAN: I think that is a good point. Is it agreeable to the committee that, when we deal with this amendment, Mr. Cunningham be asked to appear before the committee again, in case there are further questions?

Agreed.

The CHAIRMAN: Following the order of business, we will now deal with the Act respecting the franchise of electors and the election of members to the House of Commons.

Section 1. Short title.

No change.

Section 2. Definitions. Subsection 1—Advance poll.

The CHAIRMAN: I am advised by the Chief Electoral Officer that section 2 is the interpretation section, and that we will let this stand and deal only with the ones on which we have received correspondence.

Agreed.

Subsection 14.

The CHAIRMAN: We have a letter from Mr. Pouliot, which is on page 9 of the report of proceedings.

The WITNESS: Mr. Chairman, I think that I concur in Mr. Pouliot's suggestion, inasmuch as at the last general election this expression "heure normale" gave rise to some confusion. I have been informed that "heure solaire"—is an expression that is better understood in the province of Quebec. My returning officers tell me that this gave rise to a great deal of confusion. We formerly used the expression "heure solaire",—but it was changed to "heure normale". I cannot find the reason why it was changed, but it might have been just in the translation. I concur in Mr. Pouliot's suggestion.

Mr. CAVERS: That does not change the English translation?

The WITNESS: No, just the French version.

Mr. LEFRANCOIS: I so move.

The CHAIRMAN: Mr. Lefrancois moves the adoption of the amendment.

The WITNESS: It appears in subsection (14) of section 2 of the Act (French version) also in clause (g) of paragraph 4 of the French version of the regulations. I have copies of the amendment, if members wish it.

The CHAIRMAN: Shall the motion carry?

Carried.

Section 2, subsection (15).

The CHAIRMAN: We dealt with that at our last meeting and the committee carried subsection (15). That is on page 1 of the draft bill, in the explanatory notes. Mr. Lefrancois now moves its adoption—shall it carry?

Carried.

The CHAIRMAN: The remainder of section 2 stands until we deal with the Act.

Section 3, on page 456 of the Act.

No change.

Section 4.

No change.

Section 5.

No change.

Section 6.

No change.

Section 7.

No change.

Section 8.

No change.

Section 9.

No change.

Section 10, "Returning officer to open and maintain an office."

By Mr. Churchill:

Q. Section 10 says that every returning officer shall open and maintain an office in some convenient place in the electoral district. What is a convenient place?—A. Mr. Chairman, at the last election, the same difficulty arose as to offices for returning officers as to premises for polling stations. The returning officers cannot open an office until the writs issue. The practice is that they keep an eye open before an election is ordered for a Red Cross station, church basement or some community hall—whatever is convenient and whatever is available in the constituency—for their offices. But they are not empowered to open an office until the writs issue. That presents quite a difficulty for returning officers. It is a question of availability. At the last election they used church basements, community halls, stores, if they were empty—and there were few of those—and they obtain every variety of premises. It depends on what they can get.

Q. I am not so much concerned with the nature of the actual buildings, but in a large rural territory there is a difference of opinion as to convenience. The returning officer might very well be in an isolated section of a constituency rather than at the main centre of population. Have you any jurisdiction over that, as to where these returning officers carry on their duties? It does not matter where they live; it is a matter of where they carry on their duties during the election.—A. Usually the most convenient place for a returning officer to get for his office is where he lives, in these rural districts. If he had to open an office 50 miles away, he would have to establish residence there or commute between his place of residence and his office. Every constituency presents a different problem in that respect. Our constituencies range from 385,000 square miles in area down to half a square mile. I agree with you that there could be a wide difference of opinion in every constituency as to the convenience of the locality where the office of the returning officer is established but there is also the returning officer to consider. I believe that he is more readily available to the public where he lives. But we have moved the offices

of returning officers to a more central location on representations being made through the local organizations to the returning officer that he should have his office in a more central place. Where we have done that, we ran into the complaint that the returning officer is not always available, because he naturally has to commute to his home and cannot always be in his office. That is the difficulty with the location of the offices of the returning officers.

Q. I ran into an interesting experience last fall. The returning officer in the constituency to which I refer was living in an area where only two-thirds of the population were living. He was not anywhere near the main town. He was out of the way and hard to approach. You could not even get him on the phone. Apparently he did not keep his office open. What do you do about a case like that? The returning officer must be within reasonable reach of all the candidates and the candidates' official agents. In that particular area he might as well have been at the north pole most of the time.—A. That difficulty presents itself in many of the constituencies. A returning officer has to do a great deal of travelling, and he cannot always be available in his office. I have nothing to do with the selection or appointment of the returning officers, and I do not know whether the returning officers are selected on a basis of the convenient locality where they live, but where representations have been made to a returning officer and a returning officer has asked me for authority to establish his office in a more central place, I have given him that authority, and I have also authorized a certain amount of mileage for commuting, based on the distance between his office and his home.

Q. He would make those representations asking you to authorize him to establish himself in a more central location?—A. Those I have received have come from the local political organization through the returning officer. The returning officer has then in turn asked me for authority to establish his office in a more central place. We have done that on two or three occasions. I think that in a large rural constituency there can be a vast degree of difference of opinion as to what is actually the most convenient place for the location of the returning officer's office. The further the office of the returning officer is located away from his home the more difficult it will be for him to be available in his office as he has to do a great deal of travelling to select his enumerators, to get his polling stations and select his deputy returning officers. He cannot be available in his office at all times during the period of the election.

The CHAIRMAN: Might I ask this question of Mr. Castonguay at this point? If the returning officer is not available, is his clerk available, at least within reason?

The WITNESS: Most of the rural returning officers use their homes as offices, and that is provided for in the tariff. I find that, generally speaking, if the returning officer is not there, somebody in the family will answer the telephone. Certainly the returning officer in the rural area who does not use his home will not be as easy to reach as the one who does, but we have not had too many complaints in that insofar as the convenience of the location of the office of the returning officer and the availability of the returning officer to candidates are concerned. In the city it is a different proposition, because there is a great deal more clerical work to do. His election clerk is really a full-time employee, but in the rural districts there is far less clerical work to do than in an urban constituency. So the returning officer in most cases uses his home as the office. His wife or members of his family may answer the telephone and pass messages to the returning officer when he comes home, or she can send them to him if she knows where he will be on that day.

By Mr. Churchill:

Q. Is there any provision for the returning officer to have an additional telephone, if he so desires?—A. If he so desires, and if the traffic warrants it, we authorize the installation of additional telephones.

Q. It rests with the returning officer as to whether these facilities are installed?—A. We tell them in our instructions that we will authorize the expenditure for additional telephones if the traffic requires it. For instance, in the collection of election results we authorize them to put in additional telephones. If the returning officer claims that the traffic is heavy enough to justify it he may have extra telephones installed. The returning officer is in a better position to judge his local needs. You cannot cover it with a general instruction, but he may write to me, and if he puts up a good case for an extra telephone, I will authorize it.

Q. If he is indifferent to the problem and does not install extra telephones and is not concerned with the rapidity of the returns coming in on election day, what recourse have you then?—A. When complaints are made to me, I move fairly fast on them and bring them to his attention. I find out exactly why he is not giving the required service.

Q. It would be applicable then only to the following election?—A. Most of our difficulties come up in that way. During the period of the election, if a complaint is made and if there is sufficient time, I can usually remedy that problem. On the night of the election we tell them to put in extra telephones. We have a system which we have designed to cover election returns, but a great deal of the delay in election returns is not the fault of the returning officer. At the closing of the poll, we instruct the D.R.O. that if there is no telephone he should send a telegram; otherwise it comes by mail. I do not think that we should go to the expense of paying a D.R.O. mileage for 50 miles to get a ballot box in that night solely for the purpose of getting the results that night. Where there is a telegraph, he sends the result in "collect" to the returning officer. The D.R.O. in the poll may close his poll and forget to telephone. There is the human element involved and the returning officers on many occasions have no control over that. In this particular case, I would certainly be glad to take up any complaint you may have with the returning officer in regard to the collection of the election results.

Q. You would not have the information available now, but could you get information to indicate to the committee when the returns on the Selkirk by-election reached you?—A. I have that. I do not require the returning officer to send in results until after he holds his official count.

Q. Ten days later?—A. And after the period for a recount expires. It is six days after the offered count. Then I get the official returns on the recapitulation sheet, signed by the judge if there is a recount. After a general election, results usually do not begin to come in until about two weeks after polling day. In a constituency like the electoral district of Selkirk, there are many polls, the results of which take a day or two to come in, because there are no telephone facilities. In the northern part of that constituency it is very difficult.

Mr. HARRISON: In my riding they have taken two weeks, on several occasions. Certainly no D.R.O. could bring a ballot box in there. He would have to charter a plane and maybe fly it 400 miles. There are no telephones or wire services.

The WITNESS: There was also the problem at Selkirk of getting aircraft in to collect the ballot boxes in one or two places. In a large sparsely settled constituency if you get 80 per cent of the returns in that night it is very good work. In an urban constituency there is no reason why they should not be

in within three hours, but in a sparsely settled electoral district like Selkirk and many others it is a different matter. For instance, in the Saguenay district we did not get the returns until six weeks after the elections from the polls at Hudson bay, James bay and Ungava bay.

Mr. CHURCHILL: There are no communications.

The WITNESS: No, there are no communications in some of those places. The Labrador coast presents the same problem. In any electoral district that borders on the Northwest Territories or Hudson bay, James bay or Ungava bay, there will be difficulty in getting returns in on time on the night of the election.

Mr. CARTER: Is the remuneration of the returning officers laid down in the Act, or does it vary in individual cases?

The CHAIRMAN: That is laid down in section 60. Is section 10 agreed to? No change.

Section 11, "Revision of boundaries of polling divisions."

The CHAIRMAN: There is a draft amendment, on page 2, which was carried by the committee at our last meeting.

Mr. PALLETT: It was not carried!

The CHAIRMAN: I am sorry. It was stood over. Now, section 11 of the Act stands.

(Revision of boundaries of polling divisions.)

Section 12—"Chief Electoral Officer to decide what polling divisions are rural or urban respectively: exceptions in certain cases; rural polling divisions."

Mr. CHURCHILL: This says that the Chief Electoral Officer has power to decide and he shall decide what polling divisions are rural or urban respectively.

Mr. HARRISON: Has this anything to do with a possible restriction of advance polls?

The CHAIRMAN: No. It is the ordinary polling division.

Section 12. Is there any change?

Section 13. "Supplies for returning officers."

That has to do with the supply of election material by the Chief Electoral Officer. There is no change.

Section 14. "Qualifications". We have two letters in regard to this section and they concern the lowering of the voting age.

Those letters can be found at page 10 of the first report of our proceedings.

What is the pleasure of the committee? Do you want us to deal with it or to have it stand?

Mr. VIAU: Are we now on clause 13?

The CHAIRMAN: No, clause 14.

Mr. ZAPLITNY: There is a bill before the House to deal with that, so we had better let it stand.

The CHAIRMAN: It is agreed that it will stand.

Mr. VIAU: I refer to clause 13 which has to do with the supply of material by the Chief Electoral Officer. How much material is there in both languages? What is the amount.

The WITNESS: All the forms are printed in both languages. Some are bilingual and some are in English while others are in French.

Mr. VIAU: I refer now to the last election in my own riding where there was some dispute about the material there being all in the English language.

The WITNESS: The Act prescribes that certain forms be printed in both French and English in Manitoba and Quebec. We have bilingual books, but

they were not requested. We only supply them upon request. I am not so sure that they were not supplied in St. Boniface. We supply them to a constituency if the returning officer makes a demand for the bilingual books.

Mr. VIAU: Then the demand must be made immediately.

The WITNESS: We send the supplies about a year before, that is before the writ issues—we hope.

In order to hold an election in 60 days, the returning officer must have the enumeration supplies in his possession, otherwise it would be impossible to hold it in 60 days. It takes about a month to ship all the enumeration supplies to each electoral district, working twenty-four hours a day.

About 350 tons of supplies are required for an election. We send to the returning officer a distribution sheet showing him the quantity and type of forms we are sending and he has to review them, and whatever ones he wants which has not been supplied, he makes a request for them and we send them to him.

Mr. CAVERS: Is the returning officer allowed anything for rentals and space for storage?

The WITNESS: Yes, it is included in the fees we pay him for his preliminary work. We allow him a certain amount for the revision of his polling divisions, storage space, and anything else he is required to do before an election.

The CHAIRMAN: Section 14 "Qualifications" will stand.

The WITNESS: Subsection 2 of section 14, clause (h) in the Statute: members of the previous committee which sat in 1950-51 may remember a discussion which took place in respect to the Doukhobors, and this clause applies to the Doukhobors in British Columbia. The province of British Columbia has repealed the clause in their Act disfranchising Doukhobors and it may be that the committee may now wish to consider the repeal of this clause in the light of the action taken by British Columbia. In British Columbia they now have the right to vote, and it may be that the committee may wish to repeal this section. It does not apply to any other province in the country or in Canada. I refer to clause "h".

Mr. ZAPLITNY: Would the fact that they have changed their legislation not automatically qualify them?

The WITNESS: It qualifies them to vote, but this clause is spent now and it has no effect.

Mr. RICHARD (*Ottawa East*): Are we not standing the whole section?

The CHAIRMAN: He is bringing it to us for attention so we can give it some thought in the meantime. Now, Section 14.

Mr. CARTER: Under this act indians are not allowed to vote, but in Newfoundland they do.

The WITNESS: They have the franchise in Newfoundland because there are no reserves in Newfoundland. The only indians in Canada who are disfranchised are those who live on reserves who are not veterans of World War I or World War II or their wives and those who have not signed a waiver of tax exemption before the issue of the writ.

All other indians, who live off the reserves, are entitled to vote; and if they move off a reserve and take up residence off the reserves, they are entitled to vote. Those who live on the reserves are not entitled to vote except the veterans which I mentioned of World War I and World War II and their wives as well as those who signed a waiver of tax exemption from any income which they derive from the reserve.

The CHAIRMAN: Section 15 "Persons in receipt of pay disqualified".

The WITNESS: You will find that on page 2 of the draft bill.

The CHAIRMAN: Yes, page 2 of the draft amendments; and you will see that the amendment was carried at our last meeting. You will find it on page 2, Clause 4. Mr. Cavers moves the adoption of this amendment. Is the committee ready for the question?

Agreed.

Mr. NOWLAN: As a matter of clarification, when we stand a section, it is understood that we are standing it until we have gone through the Act, and when we are coming back we will take it up again?

The CHAIRMAN: That is right.

Mr. NOWLAN: We do not want to be faced with a situation where we stand it one day, believing that it will be dealt with at the end, and then to find that it has been passed. It will be dealt with when we have gone through the whole Act and come back again?

The CHAIRMAN: That is right.

Section 16 "Interpretation of the words 'ordinarily resident' and 'ordinarily resided' ". That will also stand.

Section 17. "Commencement of preparation of lists." With respect to paragraph 5 of section 17 there was an amendment before the committee at our last meeting and it is to be found on page 3. It is amendment number 6 on page 3 of the draft, and the sixth paragraph; and on the same page, and the same clause, there is 5-A which was also carried at our last meeting.

Mr. Cardin moves that this amendment be adopted. All in favour?

Carried.

Mr. CARTER: Do we have to adopt the whole clause as amended now?

The CHAIRMAN: These are proposed amendments to the Act.

Mr. CARTER: Yes.

The CHAIRMAN: They will have to be adopted.

Mr. CARTER: I know. We have adopted the amendment, but do we have to do anything to the clause as amended?

The CHAIRMAN: No.

There are some letters on page 8 of the proceedings of the committee. Will the members please turn to page 8. Pardon me, I am sorry, I mean page 13. They have reference to schedule A to section 17.

Mr. CHURCHILL: It is schedule A to 17 on page 24.

The WITNESS: Item 6 has to do with enumerations. It is an item of the letter from Mr. Punshon; and the other letter is to be found at page 18, and it has to do with item number 9. This letter is from Mr. Myren.

Mr. HANSELL: It takes a little time to read all these things. I have not read them yet.

The WITNESS: The effect of Mr. Punshon's letter is that the enumeration in the electoral district in which he was a candidate was poor—he alleges that it was poor; and the effect of Mr. Myren's letter is that he suggests a period of two weeks be provided for the enumeration instead of six days.

Mr. CAVERS: Do you feel that you get a better enumeration if you confine the work of the enumerators to a short period of time rather than to let them extend it over too long a period of time?

The WITNESS: I think the period of time that can be allowed depends on how long the period of election is to be.

Now, the enumeration begins on the forty-ninth day; so an extension of the enumeration would have to be added to the forty-ninth day and the report I get is that the present period of sixty days for an election appears to be sufficiently long, and that any additional time provided for the enumeration means that it cannot be taken up anywhere between the forty-ninth day before the polling day and the polling day itself because in this period the enumerators have six days in which to enumerate $8\frac{1}{2}$ million people. Moreover, we have fourteen days to print these lists, a period of revision must be provided and a period to print ballot papers, and so on, all within a period of 60 days.

I suggest it would be practically impossible to give more time to the enumerators in the period now provided for elections because that would reduce the period of printing which is rather important. Therefore, I am not suggesting any change. But naturally, if the committee is prepared to give more time to the enumeration, and add it to the 49 days then fair enough; but it cannot be given between the forty-ninth day and polling day.

The CHAIRMAN: Schedule A to section 17 "Preparation of lists of electors in urban polling divisions."

Mr. VIAU: In this case he mentioned that he was 70 years of age. On the other hand a returning officer cannot hold office after 65.

The WITNESS: It is only the returning officer; but any elector, regardless of age, can be an election officer.

The CHAIRMAN: We also have a letter with respect to schedule A, rule 7, and that letter can be found on page 15. It is a lengthy letter from a Mr. Chambers.

The WITNESS: The suggestions deal mostly with schedule A to section 17 and have to do with the enumeration revision and voting. He wishes to recommend amendments to the Canada Elections Act. They are to be found at page 16.

The CHAIRMAN: Has any member of the committee any comment to make?

Mr. CHURCHILL: We have not had the time to look at it.

The WITNESS: The basis of the suggestions taken as a whole is to adopt certain features of the Quebec provincial electoral act, where enumerators leave a slip at the door of the elector; and the first suggestion says that the age of the elector should be thereon. But I fear the female voter and some males would have a great deal to complain about the age being shown on the slip. Whether that has any bearing on the merit of the suggestion or not, I do not know.

The enumerators' slips under the provisions of the Canada Elections Act serve only two purposes, first they serve the purpose of advising the elector that the enumerators have placed his name on the list. Second if the elector, when he goes to the polling station, finds his name is not on the list, he can then go to the returning officer of the electoral district and inform them that he has been left a slip, yet his name is not on the list, and request that he be given a certificate to vote.

The returning officer then has to go to the original enumerators' book to see if this is a bona fide slip. He then looks at the enumerators' original list to see if the name was inadvertently omitted from the list, and if it is on the original list, then it may have been a printing error.

Having satisfied himself that the elector was enumerated, and that the revising officer had not struck off his name during the revision, he then gives

to the elector a certificate in form 20, which permits him to vote. But it is the returning officer who gives him that slip, not the deputy returning officer.

Under the Quebec system, you must produce this slip at the poll in order to vote. That is one of the requirements of their act. However, under our act, these slips are left at the electors home six or seven weeks before polling day, and I think if it was made mandatory to produce them to vote, we would have to set up special offices to renew the slips which were in the interval lost, because a period of six weeks will have expired between the time they are left at the residences and polling day and I am of opinion that many would be lost. These slips help to identify the elector at the poll. But these slips are no full proof protection against impersonations or anything else because they can be easily reproduced. So if you made it mandatory for electors to produce the slips in order to vote they may lull the agent of a candidate into a false sense of security and impersonators would not be challenged as to their right to vote.

There may be merit to the Quebec electoral system. But I am of opinion that unless you provide the elector with a full proof identification such as a card with a photograph of the elector then the public should not be put to the inconvenience of having to produce these slips which in my opinion would not be a full proof identification of the elector.

There are two other matters which are to be found on page 16 of the minutes; one is that every urban polling station be located in a place equipped with a telephone. That is rather difficult. Another is that the deputy returning officer be appointed in a different manner. That is a matter of principle. Another is that poll clerks be appointed by the returning officer on the nomination of the candidate who at the next previous election received the second largest number of votes. This also is a matter of principle on which I do not propose to comment. Then there is the penalty for impersonation. Generally speaking that is the substance of the suggestions which were made by Mr. Chambers.

The CHAIRMAN: Is there any further comment?

Mr. ZAPLITNY: I think there is some merit in one suggestion anyway that is as a matter of policy, the question of having the officers at the poll nominated by the different political interests.

The CHAIRMAN: We are just dealing with matters of routine and there will be an opportunity at a later date, when we come to the subject of the deputy returning officer to discuss this question.

Mr. ZAPLITNY: Very well.

The CHAIRMAN: We are now going to rule 17. There is an amendment on page 4 of the draft amendments.

Clause 3 was carried at our last meeting. Mr. Viau moves the adoption of this amendment. Is the committee ready? All those in favour will signify by saying yea, and those contrary, nay.

Carried.

The CHAIRMAN: Rule 20 also was carried at our last meeting. And Mr. Richard (Ottawa East) now moves that rule 20 be adopted. Are you ready for the question?

Agreed.

The CHAIRMAN: Rule 23. This was also carried at our last meeting. Mr. Richard moves that the amendment in regard to rule 33 be adopted. All in favour? Contrary?

Carried.

The CHAIRMAN: Rule 24. Mr. Richard moves that the amendment in regard to rule 24 be adopted. All those in favour? Those contrary?

Carried.

The CHAIRMAN: Rules 26 and 27. The same applies here. It was dealt with at our last meeting. Mr. MacKenzie moves that the amendment in regard to rules 26 and 27 be approved. All in favour? Contrary?

Carried.

The CHAIRMAN: Rule 28. Mr. MacKenzie moves that the amendment to rule 28 be adopted. All those in favour? Contrary?

Carried.

The CHAIRMAN: Rules 32, 33 and 36 were dealt with at our last meeting and approved.

Mr. HANSELL: When was the last meeting? Do you mean during the last session at some time?

The CHAIRMAN: No. It was on Tuesday and you were not present.

Mr. HANSELL: I am sorry.

Mr. VIAU: You were in Alberta.

The CHAIRMAN: Mr. Cavers moves that the amendment in regard to rules 32, 33 and 36 be adopted. All those in favour? Contrary?

Carried.

Mr. ZAPLITNY: Are all these amendments under clause 6 of the suggested amendments to be found under clause 6?

The WITNESS: Yes, and all are consequential upon the changes made to the urban revision.

The CHAIRMAN: Does schedule A carry?

Carried.

The CHAIRMAN: Schedule B, "Preparation of lists of electors by rural polling divisions"; that is on page 35. We have a letter in regard to this schedule B. It is letter number 9 and is found on page 18 of the report of the committee.

The WITNESS: It has to do with extending the time for enumeration by a period of two weeks. I think the committee dealt with it.

By Mr. Hansell:

Q. Right there, I do not think you can extend it. But in order to refresh my memory—I have not gone through this—but I do not recall when enumerators are appointed? They can be appointed ahead of time, can they not?—A. They can be appointed only after the issue of the writ, but they are selected ahead of time. In 1952 I ordered returning officers to revise the polling division arrangements of their constituencies. I asked them to select enumerators in the event that, if there might be a general election in the fall, they would be ready, and at least some preparatory work would be done. Possibly that is why you thought that they were appointed before. They were selected before, but they can only be appointed after the issue of the writ ordering the election.

Q. I was trying to figure out the amount of time that they actually had. I know that in some districts, where there is a small community of, say, two or three hundred homes, an enumerator knows practically everyone who lives in that community. They know all the houses around there, they know that Mr. and Mrs. So-and-so and their eldest son live there, and so on, and they do not even visit the homes. I am not criticizing that. I cannot see that there would be any particular reason for going. If one knew that he was to be an

enumerator, he could do much of that ahead of time. I am not suggesting that any instructions be given to that effect, but there is no reason why they could not start working on it beforehand.—A. That question would give rise to the matter of fees. They would not like to undertake the work unless they were paid. The other problem is that we never know the date of an election. We do not want the supplies out in the hands of an enumerator for maybe a year before an election. They might be lost. Therefore the returning officers are instructed to give out the supplies only after the issue of a writ. The rural list does not require a house-to-house visitation in the same manner as an urban one. The rural list is an open list. The enumerator can compile his list, as you say, from local knowledge, without travelling. If we insisted on them travelling, as they used to, we would have to pay mileage. The Auditor General found it very hard to tax and audit enumerators' mileage accounts, and therefore we do not pay mileage to enumerators any more, because it was found that most of the rural lists were compiled in the way you suggested. They have open lists, so that if one name is left off the list and the elector presents himself to vote on polling day, all he is required to do is to have another elector whose name is on the list vouch for him. If a name is not on the list, in the urban areas, the person cannot vote. They do require a house-to-house visit in the urban areas for that reason. In the rural areas, with an open list, we do not receive as many complaints about people being left off the list as we do in the urban, because the penalty in the urban polls is disfranchisement.

The CHAIRMAN: Have you any further comment? There is no other change in Schedule B. Can Schedule B carry?

Carried.

Section 18, "Proclamation by returning officer."

The CHAIRMAN: An amendment before the committee was agreed to at our last meeting. It is found on page 7 of the proposed amendments. Mr. White moved the adoption of the proposed amendment. All in favour, signify by saying "Yes", to the contrary "No".

Carried.

Section 19.

No change.

Section 20.

No change.

Section 21.

Stands.

Section 22.

No change.

Section 23.

Stands.

The WITNESS: There are amendments in the Canadian forces voting regulations which, if accepted by the committee, would require amendments here.

The CHAIRMAN: These sections are standing because we are going to deal with them on Thursday.

Section 24.

No change.

Section 25.

No change.

Section 26, "Deputy Returning Officers and Poll Clerks".

The CHAIRMAN: We have a letter in connection with this section from Mr. Egan Chambers, on page 16 of the Minutes of Proceedings. Paragraphs (8) and (9) of Mr. Chambers' letter deal with deputy returning officers and poll clerks.

Mr. ZAPLITNY: I wonder if the committee would be prepared to adjourn at this time? I am selfish in making the suggestion, because I have another appointment. If they are prepared to do so, I think this is a suitable place to stop because there is a considerable amount of reading to do in order to catch up with what we have done so far.

The CHAIRMAN: What is the wish of the committee in that regard?

Mr. CARDIN: I do not want to be too strict with the honourable member, but it seems to me that we have a good deal of work to do, and it is sometimes difficult to get meetings in. It is rather unfortunate that the honourable member must go, but it seems to me that we should continue our work.

Mr. ZAPLITNY: I am prepared to withdraw that.

The CHAIRMAN: I understand that Mr. Zaplitny has withdrawn his suggestion, and we will carry on. Do you wish to say something, Mr. Zaplitny?

Mr. ZAPLITNY: Not at this point, unless we are going to come back to the question that I mentioned a while ago.

The WITNESS: Paragraphs (8) and (9) deal with the question of the appointment of deputy returning officers and poll clerks.

Mr. ZAPLITNY: There is some merit in that suggestion. I think that the general principle that we all subscribe to is to try to be as fair as possible to all concerned in the general election. There is always the difficulty in any election of obtaining poll agents, as I think every member who has participated in elections will remember. There are circumstances under which it is hard to get poll agents. If a condition such as this were adopted, whereby the two opposing political interests would have the opportunity to nominate an officer at the poll, it would provide an automatic method of checking one against the other in order to provide fairness to all concerned. I realize that there are often more than two political interests represented. There may be four or five. But the fact that there are two opposing candidates with representatives in the poll would, I think, in itself be an assurance to all the candidates that there would be fair play, even though they may not be able to have their poll agents present, or if in some cases a poll agent who has undertaken to be there is not there on account of sickness or for some other reason. I can see no argument against it, and it is a harmless way to provide fair play for everyone at the polls without having to look around to find a sufficient number of poll agents to represent the candidates' interests. I think that that suggestion should be considered.

Mr. RICHARD (*Ottawa East*): I do not agree. After all, the returning officer is appointed by Governor in Council and he remains in that position until he is removed for cause. In the same manner, the authority devolves on somebody else, as a deputy returning officer gets his authority from the returning officer. He should not be what you might call a political appointee of the man who solicited the greatest number of votes at the last election. That would be altogether a party selection. The man who ran on the previous occasion and got the greatest number of votes may not be the candidate next time, and certainly he should not have the choice of the returning officer. That would be a political appointment at the poll.

Mr. ZAPLITNY: It would be, in a sense, but we have the principle established in the nomination of enumerators at urban polls. So far as I know, I have never heard any objections to it. I think that it has been a step forward. I have heard

a great many favourable comments on it, in that it provides a fair method of double checking, shall we say, to make sure that everyone has an even break. I think frankly that it would be in the nature of a political appointment. It could not be any other, in view of the fact that the same person may not be running in a subsequent election. Even so, seeing that there are two appointments made, it provides a method of assuring all candidates of fairness. I do not see any objection to it.

Mr. RICHARD (*Ottawa East*): There is a great difference between the enumerator and the deputy returning officer. The enumerator himself has no direct control over the poll. His duty is simply with regard to the names of possible electors, and the final list is subject to revision by a judge. That would mean that the party that had the largest number of votes would have control over the deputy returning officers in each riding.

Mr. CHURCHILL: I think that Mr. Zaplitny was also discussing paragraph (9) in connection with paragraph (8). This deals with poll clerks. They are thinking in terms of the two people occupying the poll, the deputy returning officer and the poll clerk. But the poll clerk is in a somewhat different position and it would be applying the principle used in the selection of enumerators, which works out very satisfactorily.

Mr. RICHARD (*Ottawa East*): Are you suggesting that we should have two poll clerks?

Mr. CHURCHILL: Not necessarily. If the deputy returning officer is appointed by the returning officer, and in turn he is appointed by the Governor in Council, that means that the government is represented by the deputy returning officer. Why not let the poll clerk be the representative, as suggested here, nominated by the candidate who at the next previous election received the second largest number of votes, just as they do with the enumerator?

Mr. RICHARD (*Ottawa East*): What you are suggesting is that the whole machinery should stem from the authority of the returning officer and that there would be administration of that poll from the top to the bottom. If the poll clerk is an agent authorized to act by the deputy returning officer who in turn is authorized by the returning officer, then they would all get their authority from the one source. You would be putting politics right into the poll there.

Mr. ZAPLITNY: I understand that Mr. Richard is saying that he does not desire to have interference, and I agree with him thoroughly on that, and it is for that very reason that I am making this suggestion, so that there would be no interference. Both the deputy returning officers and the poll clerks are subject to the Act and its regulations. They cannot do anything that is not provided for in the Act or the regulations. Both are under the authority of the returning officer of the constituency. Therefore there is no possibility of their coming into conflict, so far as the Act is concerned. The purpose of it would be to make sure that there is fairness. I am not saying this because I say that there is no unfairness at the present time. My own experience has been that in my own constituency there has been fairness, and I am not complaining about it, but it would provide assurance that there are two political interests represented. It provides an assurance to the voter who comes to the poll that the Act is being operated in a proper manner. If it is not, one forms a check on the other. If you have all the appointments from one side, there is always the feeling that the poll is being run according to the wishes of one side. There is unofficial protection in the form of the poll agent—whom we call the scrutineer—but in many cases it is not possible to have a sufficient number of polling agents.

Mr. RICHARD (*Ottawa East*): That means that that machinery—although, as Mr. Zaplitny says, the system is fair now—gives an excuse for people to

be unfair. It applies to the first two parties only. That means that the third party, which might have come very close in an election, will feel that there is some interference and that it is not being protected as the two larger parties are being protected. I do not see any reason for the change.

Mr. HANSELL: I think that if the poll clerk is nominated by the candidate receiving the second largest number of votes, it does not follow that these recommendations are made by those receiving the highest number and second highest number. That would happen only where the previously elected candidate was a government supporter. The previously elected candidate may not be a government supporter, like myself and Mr. Zaplitny. The deputy returning officer is appointed by the returning officer, and we will suppose that, by the very nature of the case, he may be favourable toward the present government. It has to be the man receiving the total number of votes in that case that nominates the poll clerk—

Mr. ZAPLITNY: You mean the highest number?

Mr. HANSELL: Yes, the man receiving the second highest would not nominate anybody.

Mr. ZAPLITNY: It works both ways, and I think that is the point that commends it. It is not a matter of interference. It is a matter of assurance to the voters that there are two officials who act as a double check on each other and both are subject to the regulations and are under the over-all authority of the returning officer. It is exactly the same principle as now operates in the appointment of urban enumerators. The experience on that, as other members have found in their own areas—and certainly I have found in my constituency—is that it has met with very favourable comment on all sides. It would be a step to ensure fairness. I think that that is the objective that we are after; we want to assure fairness. The shoe may be on the other foot at any time. There could be a change in the government, and the members who are now on the government side may be on the opposition. They would obtain the same protection as members of the opposition now. Certainly I have no desire to create any interference, but I think that this is a method of procedure by which voters will be assured that everything will be done fairly.

Mr. VIAU: How many reports of unfairness have been made after an election?

The WITNESS: After the 1953 election, I received one official complaint from an official agent or a candidate. That was from Mr. Chambers.

By Mr. Hansell:

Q. As Mr. Zaplitny says, no matter who nominates the deputy returning officer or the poll clerk, they have to act according to instructions. I am not surprised that you received no complaints. Might I ask this question, if it is not to personal a one? How does the Chief Electoral Officer appoint the returning officer?—A. I do not appoint him. The Governor in Council appoints him.

Q. He must be recommended?—A. I receive an order in council with the returning officer's name, and the constituency to which he is appointed, and I communicate with the returning officer and send him the instructions and the Act. He then comes under my jurisdiction.

Q. You do not enter the picture until that is done? I was wondering if they had difficulty in getting returning officers?—A. I am not in a position to answer that. I do not know.

The CHAIRMAN: Once they are appointed, the returning officers stay as returning officers for the constituency, unless they are removed for cause or through death.

By Mr. Hansell:

Q. They may resign.—A. There is a turnover of about 80 to 100 returning officers at every general election, caused by resignations or deaths.

Q. I am told that sometimes the returning officers have difficulty in finding deputy returning officers.—A. I have had returning officers inform me of that.

Mr. HANSELL: The remuneration is not very encouraging, in reality.

The CHAIRMAN: We are getting out of our field if we begin discussing fees. This has been discussed before in committee, and I think that much the same arguments were presented before, but in the past the committee in its wisdom and judgment decided that no change would be made. However, I feel that we should have an open, frank discussion about the matter.

Mr. HANSELL: I am inclined to think that we could go half-way and have the one receiving the highest number of votes in the previous election nominate both.

The CHAIRMAN: Whether he is a candidate or not?

Mr. HANSELL: Yes, whether he is a candidate or not.

The CHAIRMAN: It is possible that a man who received the highest number of votes in the previous election may not be a candidate in the next election.

Mr. HANSELL: It is possible, but his party would have a candidate.

Mr. ROBINSON (*Bruce*): There are many details that have to be watched. I should think that there is no abuse in the way it is handled at the present time.

Mr. CHURCHILL. I do not think that the argument is founded on any question of abuse. It is extending the principle now applied in the appointment of enumerators. That has met with general agreement. The purpose of the election is being well served under the present system. The opportunities are there for people to vote under the law, and I do not see why that principle could not be extended so that each polling subdivision, or each poll, has a representative there of the party in power and the runner-up. It would meet with the approval of the people, I am sure. It is not that the people are going into these polls expecting any bad practices, but if representatives of both the government side and the runner-up are there, on the face of it it appears to be done in absolute fairness to all sides. If you are going to argue that the poll clerk should not be appointed in the way suggested here, are you accepting the appointment of the enumerators without question? If you accept the appointment of the enumerators without question, as is now done, I think that this follows logically.

Mr. NOWLAN: I think we have to assume that we know that the presiding officers are appointed on recommendation of the government party. They are also government sympathizers. As Mr. Hansell says, that is inherent in the nature of the thing. The deputy returning officers are appointed by the returning officers, who are responsible to the Chief Electoral Officer, and I think that they try to carry out their duties impartially. I think that if they recognize that they are the agents for that party, I am afraid that we would not get the same impartial treatment. It is human nature. If I went in as a presiding officer, having been appointed by my party, it would be the same. I think the argument is perfectly sound, as far as poll clerks are concerned. I agree with Mr. Hansell and Mr. Zaplitny on that, but I personally would be opposed to going further. I think that we should keep the presiding officers appointed by the returning officers, and the returning officers in turn responsible to the Chief Electoral Officer, even though in my last election, at 4.30 in the afternoon, when three people to whom the presiding officer had objected came back, he replied that he was then closing the poll. We had to get the local Liberal provincial member to tell him that he was exceeding his authority.

Nevertheless, I am sure that 95 per cent of them do a fair job. I think that we should have that chain of contact, but I think that we should consider very carefully this other suggestion.

Mr. RICHARD (*Ottawa East*): I still say that the appointment of a poll clerk in that manner is a purely political appointment, and it is recognizing that there is a need to have a political check within the officials of the poll. The Act provides for scrutineering by all the parties, who have certain rights established by our Act at the present time. It is up to the parties to provide their own machinery if they feel that there is political interference at the polls. It is not up to any officials to be the watchdogs of any political party. I think it would be a step backward to do that. The ideal thing, I suppose, would be to have permanent returning officers and permanent poll clerks. That could be done. They would be civil servants in a sense, and I am sure my friends on the committee would be very glad. Probably many of us on this side are inclined in the same way. On the other hand, I do not think it would be a good step to say to the public, "We are afraid that there is unfairness at the polls. We are going to put in poll clerks who are agents of political parties."

Mr. CAVERS: In many localities, probably throughout the whole country, there are people who have been doing this type of work as D.R.O.'s and poll clerks for many years and have become familiar with their duties. If we change the procedure, the returning officer of the riding is not going to be able to call these people, but he will have to take persons who are designed either by the person who obtained the highest number of votes or the candidate who received the second largest number of votes. I move that section 26 of the Act be left with the same wording as it has at the present time.

Mr. VIAU: Seconded.

The CHAIRMAN: Moved by Mr. Cavers, and seconded by Mr. Viau, that there be no change in section 26.

Mr. CHURCHILL: Would a motion be in order? I think that you would have to work the other way. There is an opportunity to present an amendment.

Mr. CAVERS: If an amendment is presented.

Mr. ZAPLITNY: The reason I brought the matter up is—

The CHAIRMAN: I think that a motion may be in order. I will put the motion, and then you can make an amendment. It is moved and seconded that section 26 stand.

Mr. ZAPLITNY: Before you put the motion, may I suggest this? Of course, the motion itself is debatable, and I brought the matter up first to see whether the committee would be willing to consider this suggestion. If a considerable number of the committee wanted to consider that, then I would bring in an amendment to the appropriate section. In those circumstances, I see no reason why we should adopt a motion now to let the section remain as is, because without any motion the section will remain as is. So the motion at present before you is, I respectfully suggest, quite superfluous because, if there is no motion, the section remains. A motion would be required only if there was an amendment. It is now 12.30, and I would suggest that it stand.

The CHAIRMAN: Is it agreed that it stand?

Agreed.

The CHAIRMAN: The committee is adjourned.

The committee adjourned.

